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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,390	06/23/2003	Lawrence M. Hanrahan	956681025001	1567

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EXAMINER	
CARTER, CANDICE D	

ART UNIT	PAPER NUMBER
4127	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/602,390	HANRAHAN, LAWRENCE M.	
	Examiner	Art Unit	
	Candice D. Carter	4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *6/23/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/15/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-15, as originally, filed are currently pending and have been considered below.

Claim Objections

2. Claims 1 and 12 are objected to because of the following informalities: applicant uses the term "indicting". Examiner interprets the meaning of the term used as "indicating". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims1-5, 7-9, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton (US 2002/0046074) in view of Davis et. al. (2001).

As per claim 1, Barton discloses "A method for placing a candidate with a domestic employer comprising:

assembling a plurality of candidates in a pool of candidates of a placement process; processing each candidate in the pool of candidates for employment eligibility requirements and receiving information indicating a candidate from the pool has been recruited for placement with an employer" (pg 1, column 2, ¶ 12; via defining a

candidate; searching an internal talent pool of candidates. Where the assembly of the pool is inherent. If there is a pool the candidates must have been assembled in order to create the pool.; searching an external talent pool of candidates screening candidates; managing selection of the candidates. Where the examiner interprets processing each candidate to mean the same as managing the selection of candidates.; managing offer and hire of the candidates and managing an on-board process which entails receiving information indicating that a candidate from the pool has been chosen).

However Barton fails to explicitly disclose that the job candidates are foreign, "processing each candidate in the pool of candidates for immigration eligibility requirements, and maintaining a predetermined ratio foreign candidates being processed for one of employment eligibility requirements and immigration eligibility requirements to the plurality of foreign candidates in the pool". Davis et. al. discloses:

"foreign candidates" (pg, 43, col, 1, ¶ 1; via foreign educated nurses)

"processing each candidate in the pool of candidates for immigration eligibility requirements" (pg. 44, col. 1, ¶ 2; via identify candidates who are eligible for immigrant and nonimmigrant occupational visas)

"maintaining a predetermined ratio of foreign candidates being processed for one of employment eligibility requirements and immigration eligibility requirements to the plurality of foreign candidates in the pool" (pg. 44, col. 2, ¶ 1; via the Immigration Nursing relief Act effectively decreased nurse immigration to the United States. Where the implementation of this act effectively balanced the ratio of foreign candidates from a high of 88 percent in 1995 to a low of 55 percent in 1997-1998)

It would have been obvious to one of ordinary skill in the pertinent art to modify the career management system of Barton to include foreign educated candidates as taught by Davis et. al. This is because it is known that many foreign job candidates come to the United States to look for work, therefore it would be obvious that there would be a specific recruitment process for those foreign candidates that wish to work in the U.S.

As per claim 2, Barton discloses all of the elements of the claimed invention but fails to disclose "assembling a plurality of foreign candidates in a pool of candidates of a placement process further comprises: screening each of a group of candidates based on immigration eligibility requirements (pg. 1, col 2, ¶ 12), and forming the pool of foreign candidates of the placement process based on one of screening for employment eligibility requirements and screening for immigration eligibility requirements (pg. 1, col. 2, ¶ 12; via internal talent pool of candidates. Where it is inherent that the talent pool must have been formed if one exists."). Davis et. al. discloses "assembling a plurality of foreign candidates in a pool of candidates of a placement process further comprises: screening each of a group of candidates based on immigration eligibility requirements, and forming the pool of foreign candidates of the placement process based on one of screening for employment eligibility requirements and screening for immigration eligibility requirements" (pg. 44, col 1, ¶ 2; via the U.S. Immigration and Naturalization Service has depended on the CGFNS certificate to identify candidates who are eligible for immigrant occupational visas. At the state level, more than 80 percent of the boards of nursing require that foreign-educated nurses hold a CGFNS certificate prior to

applying to take the National Council Licensure Examination for Registered Nurses.). Therefore, it would have been obvious to a person having ordinary skill in the pertinent art to modify the career management system of Barton to include the screening of immigration eligibility requirements as taught by Davis et. al.. This is because, if any of the pool of job candidates are foreign it is mandated by law that their immigration requirements be met before they are eligible to practice in the United States.

As per claim 3, Barton further discloses "The method recited in claim 2 above further comprises: shifting a cost associated with processing candidates for employment eligibility requirements to the employer; and shifting a cost associated with processing candidates for immigration eligibility requirements to the employer" (pg. 2, col. 1, ¶ [0020]; via transmission of compensation between business entities in a client business to recruiting business model. Exemplary embodiments of revenue transfers can include, e.g., placement fees, retainers, database search fees, recruiting consulting service fees, outsourced logistics coordination fees, outplacement fees, and/or an ASP model.)

As per claim 4, Barton further discloses "managing the placement process, wherein a single placement service provider manages the placement process"(pg. 1 col. 1, ¶ [0006]; via Executive recruiters, such as e.g., Barton Executive Search of Atlanta, GA U.S.A. have provided search services within various industry segments).

As per claim 5, Barton further discloses "collecting a placement fee for said foreign candidate recruited from the pool from the domestic employer" (pg. 5, col. 1, ¶

[0094]; via placement fees for filling corporate positions can range from $2000 to $10,000 for successful placement of a candidate)

As per claim 7, Barton discloses all of the elements of the claimed invention but fails to disclose "the candidate is a foreign nursing professional". Davis et. al. discloses "foreign nursing professional" (pg. 43, col. 1, ¶ 1; via foreign educated nurses)

As per claim 8, Barton discloses all of the elements of the claimed invention but fails to disclose "employment eligibility requirements further comprise one of National Council Licensure Examination for Registered Nurses (NCLEX-RN) examination and Graduates of Foreign Nursing Schools (CGFNS) examination". Davis et. al. discloses "employment eligibility requirements further comprise one of National Council Licensure Examination for Registered Nurses (NCLEX-RN) examination and Graduates of Foreign Nursing Schools (CGFNS) examination" (pg. 44, col. 1, ¶ 2; via require that foreign education nurses hold a CGFNS certificate prior to applying to take the National Council Licensure Examination for Registered Nurses examination). Therefore, it would have been obvious to a person having ordinary skill in the pertinent art to modify the career management system of Barton to include the foreign testing requirements as taught by Davis et. al.. This is because; if any of the pool of job candidates are foreign it is well known that they would have to successfully pass testing requirements in order to practice in the United States.

Claim 9 recites equivalent limitations to claim 8 and is therefore rejected using the same art and rationale as set forth above.

As per claim 11, Barton further discloses "at least a portion of the plurality of foreign candidates in the pool of candidates have been sponsored by said service provider and placement fees for said at least a portion of the plurality of foreign candidates are waived" (pg. 2, col. 1, ¶ [0020]; via transmission of compensation between business in a client business to recruiting business model. Where, if the placement fees are paid by the client business and not the job candidate then the fees have been waived for the job candidate in lieu of the fees being paid by the employer).

As per claim 14, Barton further discloses "tracking progress of said foreign candidate through a portion of said placement process" (pg. 113, col.2, ¶ [0217]; via track information)

5. Claims 10, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Davis et. al. as applied to claim 1 above, and further in view of Broad et. al.(US 2004/0064329).

As per claim 10, the Barton-Davis et. al. combination discloses all of the elements of the claimed invention but fails to disclose "at least a portion of the plurality of foreign candidates in the pool of candidates have not accepted employment from an employer". Broad et al. discloses "at least a portion of the plurality of foreign candidates in the pool of candidates have not accepted employment from an employer" (pg. 7, col. 2, ¶ [0149]; via candidate turns down an offer). Therefore it would have been obvious to a person having ordinary skill in the pertinent are to modify the career management system of the Barton-Davis et. al. combination to include the employment application system and method as taught by Broad et. al.. This is because it is well

known that in a pool of job candidates that there will be some candidates that may not accept an offer of employment from the company that has recruited them.

As per claim 12, the Barton-Davis et. al. combination discloses all of the elements of the claimed invention but fails to disclose "receiving information indicating said foreign candidate recruited for placement with said domestic employer withdrew from said placement process; and receiving information indicating a second foreign candidate from the pool has been recruited for placement with the domestic employer, wherein the second foreign candidate is from the at least a portion of the plurality of foreign candidates in the pool of candidates have not accepted employment from an employer". Broad discloses:

"receiving information indicating said foreign candidate recruited for placement with said domestic employer withdrew from said placement process"(pg. 7 col. 2, ¶ [0147]; via a candidate elects to decline the offer and notifies the hiring person);

"and receiving information indicating a second foreign candidate from the pool has been recruited for placement with the domestic employer, wherein the second foreign candidate is from the at least a portion of the plurality of foreign candidates in the pool of candidates have not accepted employment from an employer" (pg. 7. col. 2. ¶ [0149]; via if there are additional candidates on the short list, then return to the list and extend an offer to the next candidate). Therefore it would have been obvious to a person having ordinary skill in the pertinent art to modify the career management system of the Barton-Davis et. al. combination to include the employment application system and method as taught by Broad et. al.. This is because it is known that if a

candidate turns down a job offer then the employer would still be looking to fill the position with another qualified candidate from the applicant pool.

As per claim 13, the Barton-Davis et. al. combination discloses all of the elements of the claimed invention but fails to disclose "receiving information that said foreign candidate recruited for placement with said domestic employer has successfully fulfilled said employment eligibility requirements; receiving information that said foreign candidate recruited for placement with said domestic employer has successfully fulfilled said immigration eligibility requirements; and placing said foreign candidate at a domestic location specified by said domestic employer". Broad discloses "receiving information that said foreign candidate recruited for placement with said domestic employer has successfully fulfilled said employment eligibility requirements; receiving information that said foreign candidate recruited for placement with said domestic employer has successfully fulfilled said immigration eligibility requirements; and placing said foreign candidate at a domestic location specified by said domestic employer" (pg. 2 col. 1, ¶ [0014]; via applicant tracking mechanism to allow store manager to see where each applicant is in the hiring process. Which includes verification of eligibility requirements met, hiring decisions, and placement information.).

As per claim 15, the Barton-Davis et. al. combination discloses all of the elements of the claimed invention but fails to disclose "receiving an indication of an occurrence of an event associated with a sub-part of the placement process, said event being internal to the sub-part of the placement process; identifying the event; initiating a

second sub-part of the placement process; and simultaneously tracking the sub-part and the second sub-part of the placement process". Broad et. al. discloses:

"receiving an indication of an occurrence of an event associated with a sub-part of the placement process, said event being internal to the sub-part of the placement process; identifying the event" (pg. 6, col. 2, ¶ [0116]; via The selected candidate may preferably receive verbal and/or written offer with appropriate conditional requirements);

"initiating a second sub-part of the placement process"(pg. 6, col 2, ¶ [0116]; via The process may preferably be outlined how a candidate will meet the conditions of a conditional offer);

"and simultaneously tracking the sub-part and the second sub-part of the placement process" (pg. 6, col. 2, ¶ [0118] Preferably this procedure may be prompted to be performed where a candidate has been extended a conditional offer of employment during the candidate selection and extension of offer procedure.). Therefore it would have been obvious to a person having ordinary skill in the pertinent art to modify the career management system as disclosed by the Barton-Davis et. al. combination to include the employment application system and method as taught by Broad et. al. This is because, there are often times many steps in a job placement process that could be completed simultaneously, therefore it would be beneficial to include steps in a process that would allow for the simultaneous processing of multiple steps in the job placement process.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Davis et. al. as applied to claim 1 above, and further in view of Xu et. al. (1999).

As per claim 6, the Barton-Davis et. al. combination discloses all of the elements of the claimed invention but fails to disclose "processing each foreign candidate in the pool of candidates for immigration eligibility requirements further comprises: identifying a plurality of immigration eligibility requirements; identifying a plurality of prerequisite immigration eligibility requirements for other immigration eligibility requirements; and simultaneously processing the plurality of prerequisite immigration eligibility requirements". Xu et. al. discloses "processing each foreign candidate in the pool of candidates for immigration eligibility requirements further comprises: identifying a plurality of immigration eligibility requirements; identifying a plurality of prerequisite immigration eligibility requirements for other immigration eligibility requirements; and simultaneously processing the plurality prerequisite immigration eligibility requirements" (pg. 327,col.3, ¶ 3; via The CGFNS certificate is required to apply for an H-1 visa. Where the certificate is a prerequisite for steps 1-3 detailed on pg. 330,col.1, ¶ 3. The verification of certification as well as the other immigration requirements are all processed at the time of issuance at the American consulate.) Therefore it would have been obvious to a person having ordinary skill in the pertinent are to modify the career management system disclosed by the Barton-Davis et. al. combination to include the processing of immigration requirements method as taught by Xu et. al.. This is because, there are often times many steps in a job placement process that could be completed simultaneously, therefore it would be beneficial to include steps in a process that would allow for the simultaneous processing of multiple steps in the job placement process.

Requirement for Information under 37 C.F.R. § 1.105

7. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Specifically, the Examiner would like to know if the predetermined ratio of foreign candidates first described in claim 1 represents the Applicant's novel and non-obvious creation, or if it was borrowed or modified from prior art. The specification does not provide guidance as to the origin of this formula.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

A. Is the Applicant aware of the predetermined ratio first disclosed in claim 1 being known or used by anyone other than the Applicant before the filing of the present invention?

B. Did the Applicant create or otherwise invent the predetermined ratio first disclosed in claim 1?

C. Is the Applicant aware of any employment eligibility or immigration eligibility requirements that stipulate the use of a predetermined ratio for the processing of foreign job candidates?

D. Is the Applicant aware of any additional employment eligibility or immigration eligibility requirements for the processing of foreign job candidates and/or foreign nurses not otherwise disclosed in the specification of this application?

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

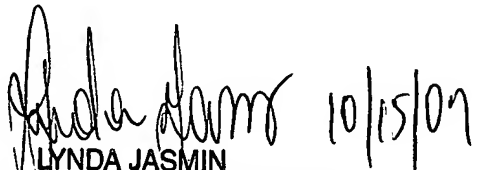
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candice D. Carter whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday-Friday (7:30-5:00) with First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (572) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CDC



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SUPERVISORY PATENT EXAMINER